

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SAMANTHA CARTER

v.

H2R RESTAURANT HOLDINGS, LLC,
ET AL.,

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No. 3:16-cv-1554-N-BN

**PLAINTIFF'S EMERGENCY MOTION FOR APPOINTMENT OF RECEIVER
FOR H2R RESTAURANT HOLDINGS, LLC**

COMES NOW Plaintiff Samantha Carter, hereby moves this court for an order appointing a Receiver for Defendants H2R Restaurant Holdings, LLC., and ask that Receiver be granted with full exclusive power and authority to marshal and safeguard all of the assets of the corporate defendants, to communicate with Plaintiff Samantha Carter in any transaction relating to this case and take whatever actions are necessary to the end of the case, including to settle and close all claims, if necessary.

The appointment of a receiver is the well established equitable remedy available.

The appointment of a Receivership is particularly appropriate when one defendant in a multi-defendants litigation refuse to communicate with the Plaintiff even after judge's orders and the other defendants are willing to communicate.

In such cases without the appointment of a receivership the defendants behavior would continue as if there is no judge or no case and a waste of detriment to those who were injured. A receiver is appropriate to protect the best interest of the case when those in control of an entity have inflicted serious detriment in the past and fail to apply simple common sense in attempting to resolve the case, attempts to defraud the courts or plaintiff from recovery or fails follow the orders of a Federal Judge.

As set forth in Plaintiff's Temporary Restraining Order Defendants may attempt to engage in a manipulative scheme to have the ability to reduce recovery and to even retract sworn statements. It is not clearly in the best interest of justice for Attorney Robert Collins or Karl Keon or any other personell from the firm of GAUNTT, KOEN, BINNEY, WOODALL & KIDD, L.L.P. to continue to serve as the responsible party in THIS case.

Samantha Carter, Plaintiff recommends that the court appoint someone who is well qualified to serve as receiver for the Defendants H2R Restaurant Holdings, LLC.

The appointment of a Receiver is a well established equitable remedy available. CPRC 3.64 Sec.

64.072 (b) A court may, from time to time, extend the duration of a corporate receivership if:

(1) litigation prevents the court from winding up the affairs of the corporation within three years;

CONCLUSION

For the foregoing reasons, Plaintiff request that the Court grant its emergency request for the appointment of a receiver. Plaintiff Samantha Carter respectfully request that this Court appoint

WHEREFORE, the Plaintiff prays that court grant Receivership.

Respectfully Submitted,

s/ Samantha Carter
Samantha Carter, Pro Per
plaintiffcarter@outlook.com

CERTIFICATE OF SERVICE

This is to certify that on the 17th of October, 2016, I filed a true and correct copy of the above and foregoing Emergency Motion for Appointment of a Receivership, electronically with the Clerk of the Court and served upon the parties of record using the CM/ECF system that will automatically send electronic mail notification of such filing to the CM/ECF registered participants as identified on the Electronic Mail Notice List.

s/ Samantha Carter
Samantha Carter, Pro Per

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ORDER

CAME ON to be considered the motion of the Plaintiff Samantha Carter Emergency Motion for Appointment of a Receivership in the above case. The Court finds that the Plaintiff facts are indeed factual and would care in the best interest of justice that a Receiver be appointment for Defendants H2R Restaurant Holdings, LLC. Accordingly, the motion is GRANTED and the Receiver should be appointed.

IT IS SO ORDERED.

Signed on _____, 2016.

UNITED STATES JUDGE